IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

Bail Appl..No. 7229 of 2006()

CRIME NO. 214/06 OF PERUMPADAPPU POLICE STATION

PETITIONERS/ACCUSED:

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1. SIRAJUDHEEN, AGED 19 YEARS,
   S/O.SITHUMUHAMMED, MARAKARATH HOUSE,
   PALAPETTI.

2. BADHUSHA,
   AGED 18 YEARS, S/O.MUHAMMEDALI,
   HUSSANPURAYCAL HOUSE, PALAPETTI.

3. SHAMSADH,
   AGED 21 YEARS, S/O.SHAMSU, KUNNATHU HOUSE,
   PALAPETTI.

4. SHAUKATH,
   AGED 21 YEARS, S/O.SHAYOO, CHALIL HOUSE,
   PALAPETTI.

BY ADV. SRI.K.J.SAJI ISAAC

RESPONDENTS: COMPLAINANT:

SUB INSPECTOR OF POLICE,
PERUMPADAPPU,
REP.BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application No. 7229 of 2006

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DATED: 12-12-2006

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioners who are accused Nos. 1 to 4 in Crime No. 214/06 of Perumpadappu Police Station for offences punishable under Secs. 341, 324, 308 read with Sec. 34 I.P.C., seek anticipatory bail.

2. I heard the learned counsel for the petitioners and the learned Public Prosecutor. The learned Public Prosecutor opposed the application.

3. Having regard to the fact that the de facto complainant Abdulla has not named any of the four assailants who are stated to be known persons of the locality, I am inclined to grant anticipatory bail to the petitioners. At the same time, since the weapons have not been recovered the petitioners will have to surrender before the investigating officer on the dates to be specified hereunder. Accordingly, a direction is issued to the officer-in-charge of the police station concerned to release the petitioners on bail for a period of one month in the event of their arrest in connection with the above case on each of them executing a bond for Rs. 10,000/- (Rupees ten

thousand only) with two solvent sureties each for the like amount to the satisfaction to the said officer and subject to the following conditions:

1. Petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. Petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

3. Petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

4. Petitioners shall not commit any offence while on bail.

5. Petitioners shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

6. Petitioners shall surrender before the Investigating Officer any day between 14-12-2006 and 19-12-2006 for the purpose of custodial interrogation and recovery, if any.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR,

JUDGE.

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